

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Retail Access Optimization Initiative

Docket No. N2011-1

**AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION TO COMPEL USPS TO RESPOND TO
INTERROGATORY APWU/USPS-9
[ERRATA]¹
(September 23, 2011)**

On September 13, 2011, American Postal Workers Union, AFL-CIO ("APWU"), propounded institutional interrogatory APWU/USPS-9 to the United States Postal Service. On September 20, 2011 the Postal Service filed an objection to this interrogatory claiming principally that the interrogatory was untimely because neither the Commission Rules of Procedure nor the procedural schedule in this docket permit discovery on the Postal Service after September 9, 2011. For the reasons explained more fully below this objection is without merit. Therefore, pursuant to Rule 26(d) of the Commission Rules of Practice, APWU hereby moves to compel the Postal Service to respond to interrogatory APWU/USPS-9.

At the evidentiary hearing on the Postal Service's direct case held on September 8, 2011, the Public Representative, Chairman Goldway and Commissioner Langley questioned Postal Service witness James Boldt² on USPS responses to public concerns. This dialogue takes place on pages 514-517 of the Transcript, and is reproduced in full below:

[Public Representative] Q: Would it surprise you that while the concerns may be specific, the responses are generally boilerplate, with the exception of mileages put in, et cetera? So despite having tape recordings, despite knowing the area very

¹ The original Motion to Compel filed yesterday, September 22, 2011, failed to include an attachment of the text of Interrogatory APWU/USPS-T-9 as required by Commission Rule 26(d). This errata provides the missing attachment.

² Interrogatory APWU/USPS-9 mistakenly referred to the testimony of witness Dean Granholm. Review of the transcript that was recently made available informed APWU that the testimony at issue was actually that of Mr. Boldt. As this was and remains an institutional interrogatory, this error should have no impact on the Postal Service response.

well, despite knowing the vulnerable constituents or patrons of a particular post office, the response is boilerplate?

[Mr. Boldt] A: Again, I don't see all of the responses. That does go to the vice president of post office operations for a final determination.

COMMISSIONER LANGLEY: Let me just interrupt for a second because I'm glad that the public rep made that comment. It was a question that I was going to ask because I've noticed in the discontinuance studies, the responses are always the same. If somebody expresses a concern over the safety of mail placed in a box on a rural route, the response is the same no matter what facility is being considered. So I'm pleased that Tracy brought that to your attention.

THE WITNESS: Thank you.

CHAIRMAN GOLDWAY: Is there any direction in the 101 manual about the nature of the response and whether it should be specific or not?

THE WITNESS: Let me find it for you. I think the reference is most specifically addressed in 353.3, which talks about analysis of the comments. It says group them with the and I'm only reading in part here okay? 'Group the comments by type of concern, postal, non-postal, and by subject. Indicate the number of customers expressing concern, if no comments were received. The discontinuance coordinator prepares a memorandum for the record stating that no comments were received, if that was received. If possible, comments should be received, also included the analysis. The analysis should list and briefly describe each point favorable to the proposal and each point unfavorable to the proposal. To the extent possible, the analysis should identify only comments. After completing the analysis, the district manager must review the proposal and reevaluate all the tentative conclusions previously made in light of additional customer information and views in the record.'

CHAIRMAN GOLDWAY: So there is nothing about responding to the individual concerns, which is what –

THE WITNESS: The next section, 353.4, talks about response to customer comments, specifically, 'A written response must be sent to each customer comment. The response must address the individual concerns expressed by the customer.' That's the guidelines there.

CHAIRMAN GOLDWAY: Apparently the responses have not been specific to the individual concerns, at least in some cases.

BY MS. FERGUSON: Q That was our concern.

Interrogatory APWU/USPS-9 seeks to identify whether the Postal Service is responding to public concerns in a meaningful way or if it continues to use standard responses that were generated for use in the Stations and Branches Optimization and Consolidation Initiative. As demonstrated from the testimony above, the details of Postal Service responses to individualized public comment is relevant and of concern to the Commission and interested parties. If the Postal Service is responding to highly specific concerns using boilerplate language, the usefulness and adequacy of these responses is diminished. If the RAOI initiative and revised PO-101 enables local postal officials to take short-cuts in responding to public concerns, it is a major flaw in the process and would shortchange postal customers. The Commission and participants are entitled to review any responses that have been produced as part of the RAOI to ensure that public concerns are given the proper consideration and that the Postal Service is responding accordingly. Evaluation of public concerns and Postal Service responses could form the basis for an important recommendation by the Commission. For example, in its decision in Docket No. A2011-18, the Commission stated:

Moreover, the Postal Service responded via a form letter to concerns raised by customers. It could have addressed certain concerns more completely, e.g., traffic and safety concerns. Each facility reviewed for possible discontinuance presents unique facts, notwithstanding that there are some common themes among all such reviews. The Commission urges the Postal Service to respond more directly to the facts under review.³

Despite the Postal Service objection to the contrary, this interrogatory is clearly relevant and timely. While it is technically true that APWU could have asked for the information sought by interrogatory APWU/USPS-9 at the evidentiary hearing, the reality of the circumstances of the hearing caused APWU to refrain from doing so. At the September 8, 2011 hearing the Commission postponed follow-up examination of witness Boldt to allow for Mr. Granholm, who had scheduling constraints, to testify. In so doing, the Commission proposed to continue the hearing to the next day to permit additional cross-examination, follow-up examination and USPS re-direct of Mr. Boldt. Tr. Vol. 1 at p. 600, lines 7-10. No oral cross-examination or follow-up examination was provided for Mr. Granholm, instead Chairman Goldway stated “I don’t believe that there will be need for

³ Commission Decision Docket No. A2011-18, p. 10 (September 20, 2011)

cross-examine or follow-up, but people might do that in writing if they have to tomorrow with him... ." Tr. Vol 1 p 600, lines 5-7. At the conclusion of the hearing, which occurred late in the day at approximately 7:00pm, the Commission canvassed participants to see if a second day was required. In response to the Public Representative's indication that something additional might come up requiring inquiry after an evening to think on it, Chairman Goldway stated "[w]ell, you can always submit a question in writing." Tr. Vol 1 p 624, lines 6-7. Taking this statement as applicable to all parties, knowing that the information APWU sought could not reasonably be provided at the hearing, and taking into consideration the resources and time required for another day of testimony, APWU determined the best way to address its follow-up questions would be in writing and waived its opportunity for oral cross-examination.

The Postal Service concedes that this interrogatory could have been asked at the hearing. The APWU forwent this opportunity based on assurances of being able to conduct follow-up written discovery. To now deny the APWU the opportunity is highly prejudicial and does not support the Commission's goal of creating a robust evidentiary record upon which to base its Advisory Opinion.

Given the clear relevance and importance of the information requested in interrogatory APWU/USPS-9, plus the assurances from the Commission that follow-up written discovery would be permitted, the Postal Service should be compelled to respond to this interrogatory.

III. Conclusion

For the reasons explained above, the APWU respectfully request that the Commission grant this Motion to Compel and order the Postal Service to immediately respond to APWU/USPS-9.

Respectfully submitted,

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APWU/USPS-T-9 During the September 8, 2011 hearing on the Postal Service's direct case, Postal Service Witness Dean Granholm testified about the nature of Postal Service comments in response to individualized customer concerns.

- a) For all facilities under review in the RAOI for which a discontinuance study has begun and public comments have been received, please provide all public comments received and USPS responses to these comments.
- b) How were the responses communicated or how will the responses be communicated to individual commenters and the affected community?
- c) When in the process are these responses provided?
- d) The Station and Branch Optimization and Consolidation ("SBOC") initiative which was the subject of Docket No. N2009-1, utilized the *Post Office Discontinuance and Emergency Suspension System (PODESS)* to track discontinuance and emergency suspension activities. Field coordinators also used PODESS to generate documents for use in the discontinuance studies. Under PODESS, when analyzing customer concerns, postal officials were directed to "use Standard Language for common Customer Concerns and Responses (FDB)." See Slide 31 of USPS-LR-N2009-1/5, *Discontinuance of Classified Stations and Branches Training Slides*, filed August 13, 2009. Examples of the "standard language for common customer concerns and responses" can be found on Pages 43-55 of Library Reference USPS-LR-N2009-1/6, *Station/Branch Optimization/Consolidation Initiative Decision Package Sample Documents and Instructions*, filed August 13, 2009 (attached).
 - i) The Postal Service now uses the *Change Suspension Discontinuance Center (CSDC)* to facilitate discontinuance studies and closure decisions in the RAOI. Is CSDC also a document generating system like PODESS? Does CSDC include standard language for responding to customer concerns like what was utilized in PODESS?
 - ii) If the answer to (b)(i) is affirmative, please provide the standard language for responding to customers concerns utilized in CSDC.
 - iii) Please provide all additional direction, including any sample language, regarding the content of customer responses.